

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
JUAN PINEDA, on behalf of himself and all others  
similarly situated

Plaintiff,

v.

BIG CITY REALTY MANAGEMENT, LLC, CFF  
CONSULTING INC., 3427 BROADWAY BCR, LLC,  
3440 BROADWAY BCR, LLC, 3660 BROADWAY  
BCR, LLC, 633 WEST 152 BCR, LLC, 605 WEST 151  
BCR, LLC, 545 EDGEcombe BCR, LLC, 535-539  
WEST 155 BCR, LLC, 408-412 PINEAPPLE, LLC,  
106-108 CONVENT BCR, LLC, 510-512 YELLOW  
APPLE, LLC, 513 YELLOW APPLE, LLC, 145  
PINEAPPLE LLC, 2363 ACP PINAPPLE, LLC, 580  
ST. NICHOLAS BCR, LLC, 603-607 WEST 139  
BCR, LLC, 559 WEST 156 BCR, LLC, 3750  
BROADWAY BCR, LLC, KOBI ZAMIR, and  
FERNANDO ALFONSO,

Defendants.  
-----X

Case No. 22-cv-05428(BMC)

**NOTICE OF MOTION  
FOR CLASS  
CERTIFICATION  
PURSUANT TO RULE 23  
AND FOR LEAVE TO  
AMEND THE  
COMPLAINT  
PURSUANT TO RULE 15**

**ORAL ARGUMENT  
REQUESTED**

**NOTICE OF MOTION FOR CLASS CERTIFICATION PURSUANT TO RULE 23**

PLEASE TAKE NOTICE that upon the annexed Declaration of Marc A. Rapaport, Esq., sworn to on April 14, 2023, the exhibits annexed thereto, the Declaration of Juan Pineda, sworn to on April 10, 2023, the exhibits annexed thereto, and the accompanying Memorandum of Law, and upon all prior pleadings and proceeds heretofore had herein, Plaintiff will move this Court, on a date to be determined by this Court, at the Courthouse located at 225 Cadman Plaza East, Brooklyn, New York, for an Order: (i) certifying this action as a class action for those overtime claims which allege violations of the New York Labor Law, pursuant to Federal Rule of Civil Procedure 23, (ii) designating Plaintiff as class representative, (iii) designating Plaintiff's counsel as Class Counsel pursuant to Federal Rule of Civil Procedure 23(g), and (iv) granting Plaintiff

leave to amend the Complaint pursuant to Federal Rule of Civil Procedure 15(a), and (v) such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b), Defendants' opposition papers, if any, are to be served on Plaintiff on or before April 28, 2023. Plaintiff's reply papers, if any, are to be served on or before May 5, 2023.

Dated: New York, New York  
April 14, 2023

Respectfully,

\_\_\_\_\_/s/\_\_\_\_\_  
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\_\_\_\_\_/s/\_\_\_\_\_  
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*Plaintiff's Counsel*